

SPECIAL MEETING
 LODI CITY COUNCIL
 FRIDAY, MARCH 9, 1990
 7:00 A.M.
 CARNEGIE FORUM
 305 WEST PINE STREET
 LODI, CALIFORNIA

Mayor Snider called the meeting to order at 7:00 a.m.

City Clerk Reimche recorded roll as follows:

Present: Council Members - Hinchman, Olson, Pinkerton,
 Reid and Snider (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
 Manager Glenn, Community Development
 Director Schroeder, City Attorney McNatt,
 and City Clerk Reimche

REQUEST FOR HOME OCCUPATION
 PERMIT FOR NAIL SALON AT
 10 NORTH CENTRAL AVENUE

The City Council was advised by the City Attorney that the request of Penny Gamaza for a Home Occupation Permit at 10 North Central Avenue to conduct a nail salon has triggered an examination of our home occupation provisions. It appears that the Municipal Code may be in need of modification and update on this topic.

Further, the City Attorney advised the City Council that "home occupations" are referred to in the Municipal Code only twice; once in Section 5.04.080 which just requires a business license tax for home occupations, and again in Section 17.03.290 which only defines "home occupation." This leads the City Attorney to suspect that at some point in the distant past, when the Lodi Municipal Code was revised, some parts may have been omitted.

Other than generally describing "home occupation" and prohibiting certain uses such as "clinics, hospitals, barber shops, beauty parlors, real estate offices and animal hospitals" our statutes do not give clear guidelines as to what uses are allowed, how an application is to be processed, etc. Most of the actual requirements are found only in the 13 conditions which appear on the face of the permit form, and are not based on statute.

A draft ordinance was presented by the City Attorney for Council review. The draft ordinance would allow Community Development Director to issue occupation permits if certain

Continued March 9, 1990

criteria are met. It would also allow the matter to be placed before the Planning Commission if the permit is denied. Further appeal would be to the City Council.

Certain uses (for example, kennels, clinics, etc.) are explicitly excluded based on past experiences as being simply in-compatible with residential uses. The proposed ordinance contains guidelines to help determine which proposed uses are within the legislative intent of the ordinance. However, it would be impossible to list by specific title every permitted and prohibited business use, so some degree of vagueness will be inherent in the statute.

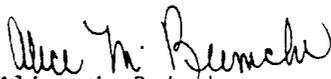
A lengthy discussion followed with questions being directed to staff.

Council Member Olson left the meeting at 7:35 a.m.

On motion of Mayor Pro Tempore Hinchman, Pinkerton second, the matter was referred to the Planning Commission for review.

The meeting was adjourned at approximately 7:50 a.m.

Attest:


Alice M. Reimche
City Clerk